



**THE ATTORNEY GENERAL  
OF TEXAS**

GROVER SELLERS.

~~JOHN HENRY SHEPPERD~~  
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable E. H. Griffin  
County Attorney, Young County  
Graham, Texas

Opinion No. 0-6979

Re: May a commissioners' precinct  
use a portion of the money de-  
rived from the sale of bonds  
for the purpose of graveling  
feeder and connection roads to  
and with the specifically de-  
signated roads in said road  
bond election?

Dear Sir:

We acknowledge receipt of your opinion request of December 5, 1945,  
and quote from your letter as follows:

"I wish to submit to your office for an opinion the fol-  
lowing statement of facts: May Commissioners' Precinct No.3  
in Young County, Texas, use that portion of the money not  
heretofore spent derived from the sale of bonds issued follow-  
ing an election in said precinct, for the purpose of graveling  
feeder and connecting roads to and with the specifically de-  
signated roads in said road bond election.

"I am sending you herein the order of the Commissioners'  
Court sitting down for hearing the petition for the road bonds  
which were sold to raise the above mentioned money. I am also  
sending you herein a copy of the notice issued by the Commis-  
sioners' Court of Young County to the resident property tax-  
paying citizens of said precinct of the hearing to be held be-  
fore the Commissioners' Court concerning such election.

"You will note that in all these documents, which are based  
upon the original petition filed with the Commissioners' Court,  
it is specifically stated that:

"1. 'The money received from the sale thereof (that is,  
the bonds) will be applied to constructing, maintaining, and  
operating certain designated roads within said precinct, which  
roads are commonly known as the Newcastle to Padgett Bridge  
Road and the Olney to Springcreek Road, and a connecting road  
leading from the Spring Creek Road to an intersection with the  
Newcastle Padgett Bridge Road.'

"2. That said money will be secondly applied to constructing, maintaining, and operating certain other sections of rural roads and bridges and drainage structures on said roads in said precinct now in need of repair, etc.'

"3. 'And it is expressly stipulated that if the proposition for the issuance of the proposed bonds is approved by the necessary vote of the qualified electors of said precinct in such election, the bonds will be issued and sold and the tax levied in payment thereof when, and only when, the said precinct receives from the Works Projects Administration definite assurance that the said Works Projects Administration will assist in constructing, maintaining and operating of the road and other drainage structures in said precinct, as hereinbefore set out.'

"I feel sure that this question is controlled by your opinion number 0-6755, dated August 4, 1945, and written for the County Auditor of Hopkins County, Texas, wherein it was held that if the Commissioners' Court of said county entered a pre-election order designating the roads and specifically declaring the purposes for which the bond money was to be expended, then the subsequent commissioners' courts were bound by the terms of said order."

We are enclosing herewith copies of our Opinions Nos. 0-6755, 0-4078 and 0-2860, which we believe fully answers your question.

Based on the enclosed opinions and the authorities cited therein, it is the opinion of this department that the bond proceeds mentioned in your letter cannot be used for the purpose of graveling feeder and connecting roads to and with the specifically designated roads in said road bond election, unless said feeder and connecting roads come under the stipulation set out as paragraph two of your request. Said money cannot then be used unless a grant is received from the PWA as stipulated in paragraph three of your request.

APPROVED DEC 12, 1945  
GROVER SELLERS  
ATTORNEY GENERAL OF TEXAS

Yours very truly,  
ATTORNEY GENERAL OF TEXAS

COB:EP:hep

APPROVED  
OPINION  
COMMITTEE  
BY BWB  
CHAIRMAN

By s/ Claud O. Boothman  
Claud O. Boothman  
Assistant